



INTERIM ENGAGEMENT REPORT

## **Lockleys Code Amendment INTERIM ENGAGEMENT REPORT**

Prepared in accordance with section 73(7) of the *Planning, Development and Infrastructure Act 2016*

Pierson Pty Ltd

Date:  
**04.02.2022**

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## 1. EXECUTIVE SUMMARY

Engagement has been undertaken for the Lockleys Code Amendment. The key themes coming through the engagement activities in response to the Code Amendment include:

- building height and dwelling density;
- traffic congestion, carparking and pedestrian safety;
- impacts on the River Torrens (Karrawirra Parri) and Linear Park including visual impacts, environmental impacts and impacts on flora and fauna;
- application of the Affordable Housing Overlay and perceived impacts from this (i.e. crime);
- amenity impacts including visual appearance, overlooking, overshadowing and noise;
- strain on existing infrastructure including opens spaces, shops, utilities and roads;
- not on a major transport route, near shops and is not serviced by adequate public transport (not consistent with Desired Outcomes of the Urban Neighbourhood Zone);
- code amendment and resulting development would not be consistent with the character of the surrounding residential area;
- hazard to the Adelaide Airport;
- loss of existing non-residential land uses, in particular the Early Learning Centre; and
- provision of open space.

## 2. PURPOSE

This report has been prepared by Pierson Pty Ltd (the Designated Entity) for consideration by the Minister for Planning and Local Government (the Minister) in adopting the Lockleys Code Amendment (the Code Amendment).

The report details the engagement that has been undertaken and the outcomes of the engagement, including:

- a summary of the feedback;
- the response to the feedback; and
- evaluation of the engagement.

To ensure the principles of the Community Engagement Charter (the Charter) are met, an evaluation of the engagement process for the Code Amendment is currently occurring. As part of this evaluation, you are invited to complete a survey via this link: <https://www.surveymonkey.com/r/6KB5HFK>.



*Use your smart phone to scan this code*

This survey will be open until Sunday, 20 February 2022 to enable you to consider the outcomes of the engagement before evaluating the engagement.

A final Engagement Report and Code Amendment Report will be made publicly available on the PlanSA website.

### 3. INTRODUCTION

The Designated Entity is proposing to amend the Planning and Design Code (the Code) as it relates to the land located at 25 Pierson Street, Lockleys (Affected Area) shown in Figure 3.1 below. The Affected Area presently contains the Westpac Mortgage Centre and the Lockleys Child Care and Early Learning Centre.

The proposed Code Amendment will rezone the Affected Area from the Employment Zone to the Urban Neighbourhood Zone.

The Affected Area is located within the City of West Torrens council area and is approximately 300 metres east of Holbrooks Road. The Affected Area is located immediately to the south of the River Torrens which is the boundary between the City of West Torrens and the City of Charles Sturt. The Affected Area adjoins the Suburban Neighbourhood Zone to the east, south and west and the Open Space Zone to the north.

The location of the Affected Area and current zoning is shown in **Figure 3.1** below.

**Figure 3.1** Affected Area and Current Zone



The overall intent of the Code Amendment is to enable medium density residential development of the Affected Area, together with small scale retail, commercial or community facilities to service the local area. This will necessitate the Affected Area being rezoned from the Employment Zone to an alternate zone, with the Urban Neighbourhood Zone considered the most appropriate.

The proposed zoning of the Affected Area is shown within **Figure 3.2** below.

**Figure 3.2** Affected Area and Proposed Zone



The proposed rezoning aligns with a number of State Planning Policies in relation to integrated planning (housing), design quality, employment lands, strategic transport infrastructure, water security and natural hazards. The proposed rezoning also aligns with a number of policies within the 30 Year Plan for Greater Adelaide, as outlined within the Code Amendment Initiation document and Code Amendment Report. In particular, the proposal correlates with the 30 Year Plan policies in respect to transit corridors, transport, growth areas and activity centres, design quality, housing mix and affordability, health and wellbeing and the economy and jobs.

The Urban Neighbourhood Zone has been considered as the appropriate zone for the Affected Area as it enables the development potential of the Affected Area to be recognised, including that it:

- envisages medium density accommodation types together with smaller scale non-residential uses;
- allows for multi storey buildings. In this instance buildings of up to six levels and 18.5 metres are being considered; and
- provides for a transition in the built form to the lower scale surrounding development.

## 4. ENGAGEMENT APPROACH

The process for amending a designated instrument (including the process to amend the Code) is set out in the *Planning, Development and Infrastructure Act 2016* (Act). The Act requires public engagement to take place in accordance with the Community Engagement Charter.

The Designated Entity prepared an Engagement Plan to apply the principles of the Community Engagement Charter. The purpose of the engagement was to:

- share information with the public about the Code Amendment;
- create an understanding of the reasons for the Code Amendment;
- understand the views of the stakeholders;
- inform and improve the quality of the policy within the Code Amendment; and
- comply with the Community Engagement Charter and Act.

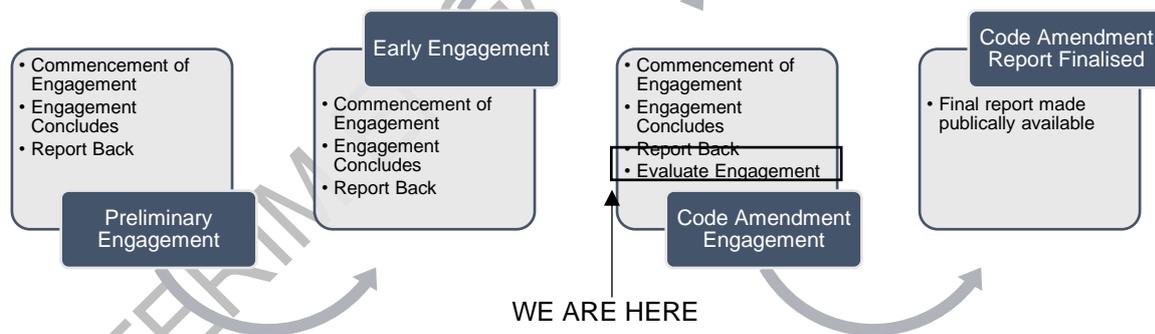
The Engagement Plan detailed the various engagement activities proposed for each engagement level<sup>1</sup>.

The engagement activities occurred over the following two stages:

- Preliminary Engagement, undertaken prior to the drafting of the Code Amendment Report; and
- Code Amendment Engagement, undertaken after the draft of the Code Amendment Report was completed and includes the Report being made available to the public and all stakeholders for review and input.

Each stage had milestones, which are summarised in Figure 4.1 below.

**Figure 4.1** Summary of Stages and Milestones



The engagement activities outlined below occurred as set out in the Engagement Plan. However, the Engagement Plan was varied as follows:

- attendance at a public meeting held by The Honourable Tom Koutsantonis Member for West Torrens, The Honourable Daniel Cawdry Member for Colton and the City of West Torrens;
- drop-in sessions held on 14 and 15 October 2021 where adjoining owners and occupiers were invited to attend a session to meet one on one with representatives of the Designated Entity to discuss the Code Amendment;

<sup>1</sup> The levels of engagement were informed by the IAP2 Spectrum of Public Participation (see section 4 of the Engagement Plan).

- preparation of a two-page information sheet made available on the Future Urban website with hard copies provided at the public meeting; and
- preparation of a question-and-answer sheet addressing questions raised during consultation made available on the Future Urban website and sent to specific stakeholders.

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## 5. ENGAGEMENT

### 5.1 Engagement Activities

The engagement activities were selected to ensure that the method of engagement was appropriate for achieving the objectives and level of influence of the engagement.

A summary of the engagement activities is provided in Table 3.1 below.

**Table 5.1** *Summary of Engagement Activities*

| Stage                     | Stakeholders   | Engagement level | Engagement Activity   |
|---------------------------|--|------------------|---|
| Preliminary Engagement    | City of West Torrens   | Collaborate      | Meeting with employees of the City of West Torrens to discuss the Code Amendment and Engagement Plan<br><br>Elected Member briefing (presentation)  |
|                           | City of Charles Sturt  | Involve          | Telephone discussions with employee of the City of Charles Sturt to notify of the Code Amendment and seek any preliminary views on the Code Amendment   |
| Code Amendment Engagement | Adjacent Owners and Occupiers  | Consult          | Letter seeking views on the Code Amendment<br><br>Information made available in electronic form on the Future Urban Website and PlanSA and in hard copy at the City of West Torrens Civic Centre.<br><br>Information sheet<br><br>Questions and Answer sheet to address question arising during consultation<br><br>One on one sessions |
|                           | City of West Torrens   | Collaborate      | Letter seeking views on Code Amendment  |
|                           | City of Charles Sturt, Utility Providers, State Government Agencies (DIT, SA Health, EPA, DEW and AGD), Local Government Association and State Member for Parliament | Involve          | Information made available in electronic form on the Future Urban Website and PlanSA and in hard copy at the City of West Torrens Civic Centre.   |
|                           | State Planning Commission  | Consult          |   |

| Stage | Stakeholders   | Engagement level | Engagement Activity   |
|-------|----------------|------------------|---|
|       | General Public | Inform           | Information made available in electronic form on the Future Urban Website and PlanSA and in hard copy at the City of West Torrens Civic Centre. |

Each of the engagement activities are summarised under the relevant headings below.

### 5.1.2 Preliminary Engagement with the City of West Torrens

Prior to initiation of the Code Amendment representatives of the Designated Entity met with Caitlin Rorke Wickens, Sue Curran and Rebecca Perkin, employees of the City of West Torrens, on 17 December 2020 to go through the initial concept plans and talk through the Code Amendment. The purpose of this meeting was to inform the City of West Torrens of the Code Amendment and understand any matters that should be considered for investigation as part of the Code Amendment.

Following initiation of the Code Amendment, representatives of the Designated Entity met with Caitlin Rorke Wickens, Sue Curran and Rebecca Perkin and Mel Rymill employees of the City of West Torrens on 23 June 2021 to discuss the Code Amendment.

Feedback was sought on the draft Engagement Plan, together with the policy changes being sought through the Code Amendment, including future land uses. Feedback was also sought as to the level of involvement that the City of West Torrens sought to have in respect of the Code Amendment.

### 5.1.3 City of West Torrens Elected Member Briefing

On 17 August 2021 representatives of the Designated Entity presented to the Elected Members of the City of West Torrens. The purpose of the briefing was to explain the nature of the Code Amendment, the process for Code Amendments and next steps, including public consultation. The Elected Member briefing was held following completion of the Code Amendment, but prior to the commencement of the public consultation period. This was to ensure that Elected Members were aware of the Code Amendment in the event they were contacted by members of the community, but also allowed the Designated Entity to hear Elected Member views on the Code Amendment.

### 5.1.4 Discussions with the City of Charles Sturt

On 13 August 2021 representatives of the Designated Entity spoke to Craig Daniel, employee of the City of Charles Sturt, by phone. The purpose of this telephone discussion was to notify the City of Charles Sturt of the proposed Code Amendment, next steps in the process and understand the level of involvement the City of Charles Sturt sought to have in respect of the Code Amendment.

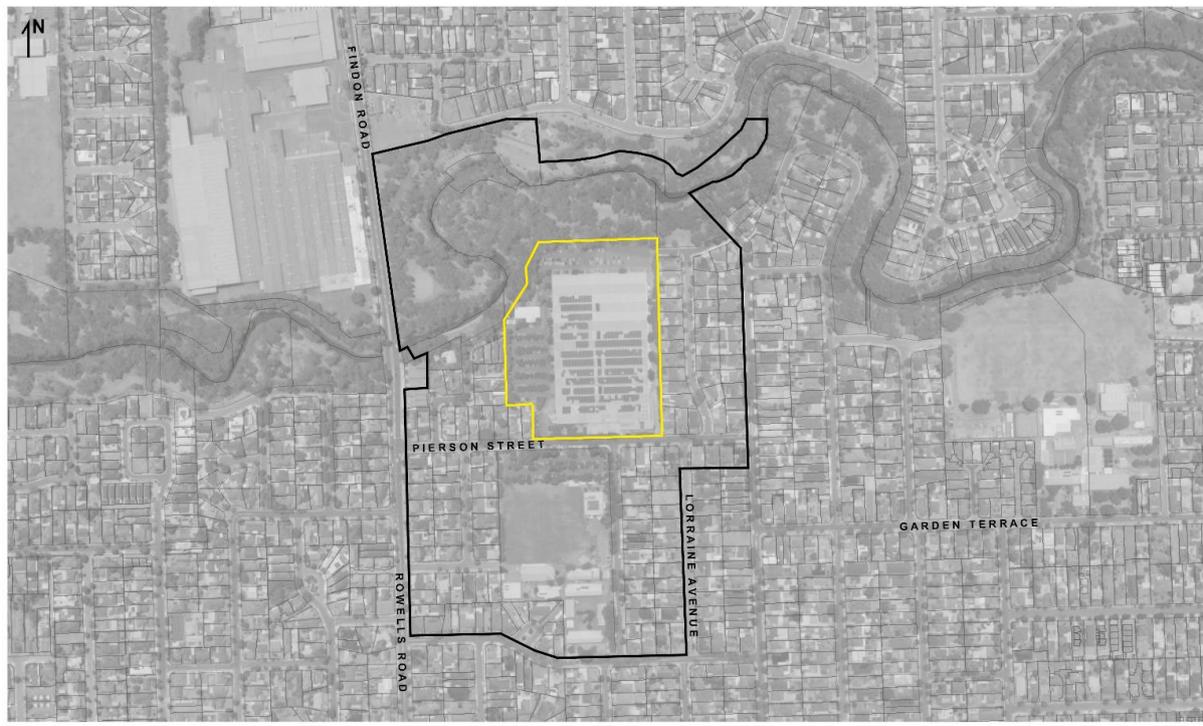
### 5.1.5 Letters to Adjacent Land Owners and Occupiers

On 10 September 2021 letters were posted to landowners and occupiers identified in the Engagement Report (refer Figure 4.2) notifying them of the Code Amendment and inviting them to provide their feedback. The letter included:

- details of the Code Amendment;
- that feedback was being sought on the Code Amendment;
- details of how to make a submission in response to the Code Amendment; and
- the Notice required pursuant to regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

A copy of the letter and notice sent to adjacent owners and occupiers is contained in **Appendix 1**.

**Figure 5.1** *Extent of Adjoining Land Owners*



**Adjoining Landowner Boundary** | **LEGEND**  
 Affected Area Boundary — Adjoining Landowner Boundary

### 5.1.6 Letters to Other Stakeholders

On 10 September 2021 letters were emailed to other stakeholders identified in the Engagement Plan including:

- City of West Torrens
- City of Charles Sturt
- Department of Infrastructure and Transport (DIT)
- Environment Protection Authority (EPA)
- Department for Environment and Water (DEW)
- Utility providers
- State Member of Parliament
- Local Government Association
- State Planning Commission
- Attorney-General's Department (PLUS)

These letters included:

- details of the Code Amendment;
- that feedback was being sought on the Code Amendment;
- details of how to make a submission in response to the Code Amendment; and
- where relevant, a copy of the Notice prepared pursuant to regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Following conclusion of the consultation period the Designated Entity identified that two of the utility providers identified in the Minister’s Letter initiating the Code Amendment, specifically, Electranet and EPIC Energy had not been consulted. Letters were subsequently sent by email to Electranet and EPIC Energy on 25 November 2021 informing the utility providers of the Code Amendment and seeking their feedback on the Code Amendment. The Engagement Plan and Code Amendment Report were available on the Future Urban website.

### 5.1.7 Public Meeting

The representatives of the Designated Entity were invited to and attended a public meeting held by The Honourable Mr Koutsantonis, The Honourable Mr Cawdry and the City of West Torrens on 11 October 2021. Initially representatives of the Designated Entity were invited to speak at the Public Meeting by Mr Koutsantonis’ office, however just prior to the meeting the Designated Entity were advised that they would not be able to present at the meeting. The Designated Entity confirmed its availability to answer questions at the meeting, but were not called on during this meeting, despite having two representatives of the Designated Entity attend the meeting.

### 5.1.8 Drop in Sessions

Following the commencement of the consultation period and enquiries received at the beginning of this process, the Designated Entity arranged to hold drop-in sessions where members of the community were invited to attend a session and meet one on one with a representative of the Designated Entity to answer questions and discuss the Code Amendment. Land owners and occupiers originally notified by letter were sent a further letter inviting them to attend the sessions. The public were also notified of the drop-in sessions through the two-page information sheet that was made available at the public meeting (refer 4.2.7 above) and on the Future Urban website.

### 5.1.9 Access to Code Amendment Report and Engagement Plan

During the consultation period the Code Amendment Report and Engagement Plan were available to be viewed electronically via PlanSA website and the Future Urban website and in hard copy at the City of West Torrens Civic Centre.

## 5.2 Mandatory Requirements

The following mandatory engagement requirements have been met:

1. Notice and consultation with City of West Torrens and City of Charles Sturt in accordance with the Charter;
2. Notice and consultation with the Local Government Association in accordance with the Charter; and
3. Notice and consultation with Owners or Occupiers of Land which is specifically impacted and each piece of adjacent land<sup>2</sup> pursuant to section 73 of the Act.

<sup>2</sup> Adjacent land is defined by the *Planning Development and Infrastructure Act 2016* as ‘in relation to other land, means land that is no more than 60 metres from the other land’.

## 6. ENGAGEMENT OUTCOMES

### 6.1 What We Heard

What we heard through each of the engagement activities is summarised under each of the relevant headings below.

#### 6.1.1 Preliminary Engagement with the City of West Torrens

During pre-initiation meeting with the City of West Torrens concerns were raised in respect to carparking, building height and the provision of open space. These matters were incorporated into the substantive investigations for the Code Amendment.

During this post-initiation meeting the community engagement was discussed including the extent of properties in the area that were going to be directly notified. As a result of these discussions the area identified for direct notification was increased to capture owners and occupiers that were more than 60 metres from the Affected Area.

Other matters that were discussed and helped to inform the Code Amendment included:

- the selection of the Urban Neighbourhood Zone and the types of land uses that are envisaged by the Urban Neighbourhood Zone such as light industry;
- Whether a concept plan could be incorporated into the Code Amendment. Drop-in sessions/public hearings forming part of the engagement;
- Provision of hard copy documents;
- Providing an Elected Member briefing; and
- Access to information from Council's assets team and Governance.

These matters were considered and, where relevant, formed part of the engagement activities and investigations for the Code Amendment.

#### 6.1.2 City of West Torrens Elected Member Briefing

The key themes that arose during the Elected Member briefing included:

- carparking, in particular availability of on street carparking and provision of carparking for future dwellings;
- provision of open space and this being separate to the provision of land for water sensitive urban design/stormwater management; and
- preparation of a concept plan to guide future development on the Affected Area.

Carparking and the provision of open space were considered as part of the investigations for the Code Amendment.

While a concept plan has not been provided for the Affected Area. Indicative plans have been prepared for the Code Amendment that provide, in a general sense, opportunities for the layout of the Affected Area and how open space and linkages to the River Torrens Linear Park could be incorporated into a future development.

### 6.1.3 Written Submissions

A total of 467 written submissions were received during the consultation period. Submissions were received from a number of stakeholder groups including members of the public, Local Government, utility providers, a local resident group, Government agencies and local Members of for the seat of West Torrens and Colton.

In accordance with the Engagement Plan different stakeholders were identified as having different levels of influence. For example, the City of West Torrens had a collaborate level of influence while adjacent landowners/occupiers had a consult level of influence. Accordingly, and depending on the level of influence, submissions from different stakeholders were given different weight in informing the Code Amendment. In this regard the Designated Entity notes that the City of West Torrens submission identified a number of matters that were also raised in submissions by members of the public.

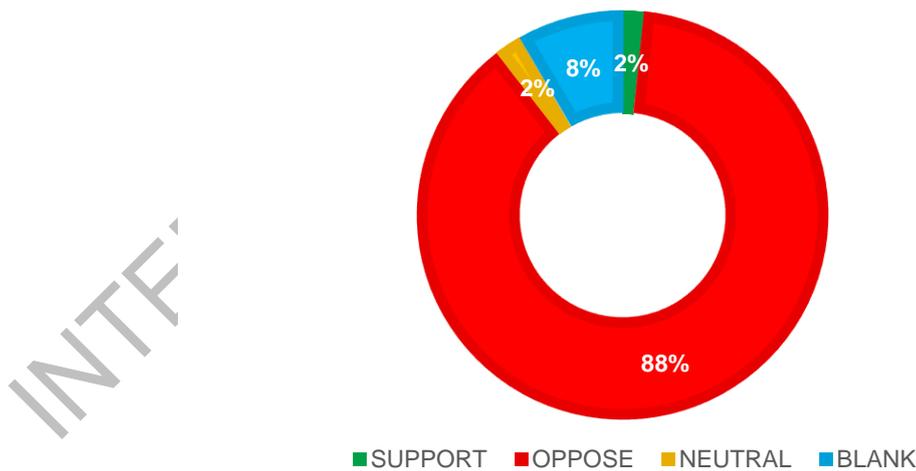
The Designated Entity also acknowledges the submissions received from the Department of Infrastructure and Transport (DIT), Department of Environment and Water, Environment Protection Authority, Telstra, SA Power Networks and SA Water that raised no objection or specific concerns in response to the Code Amendment.

Of the submission received 46 were either a second or third submission from participants or a duplicate. Where participants made more than one submission these have been captured and noted in the 'summary of feedback' table against the participants' name. The Designated Entity confirms that all submissions have been considered in preparing the Engagement Report.

Two submissions were received after 24 October 2021, after the timeframe for submissions to be received had closed. These submissions have been considered in the Engagement Report, but are noted as being received outside of the consultation period.

Of the submissions received, 7 indicated support for the Code Amendment, 370<sup>3</sup> were opposed to the Code Amendment, 9 did not indicate a position in support or opposition to the Code Amendment (were neutral) and 35<sup>4</sup> did not include any comments in the submission.

**Figure 6.1** Proportion of submissions received from all stakeholders



<sup>3</sup> This number counts multiple submissions from the same participant as one submission. In total 411 submissions were received that indicated they were not supportive of the Code Amendment, 41 of which were either a second or third submission or a duplicate.

<sup>4</sup> This number counts multiple submissions from the same participant as one submission. A total of 40 blank submissions were received, 5 of which were either duplicates or a second or third submission of a participant who had put in a submission that contained feedback.

Many of the submissions received indicated support for a rezoning and residential redevelopment of the Affected Area. However, there was a preference for residential development to maintain a low-density character consistent with the existing area, with a two-storey height limit and that the Suburban Neighbourhood Zone be applied to the Affected Area instead of the Urban Neighbourhood Zone.

A summary of key issues raised are as follows:

- building height and dwelling density;
- traffic congestion, carparking and pedestrian safety;
- impacts on River Torrens (Karrawirra Parri) and Linear Park including visual impacts, environmental impacts and impacts on flora and fauna;
- application of the Affordable Housing Overlay and perceived impacts of this (i.e. crime);
- amenity impacts including visual appearance, overlooking, overshadowing and noise;
- strain on existing infrastructure including opens spaces, shops, utilities and roads;
- not on a major transport route, near shops and not serviced by adequate public transport (not consistent with Desired Outcomes of Urban Neighbourhood Zone);
- code amendment and resulting development would not be consistent with the character of the surrounding residential area;
- hazard to the Adelaide Airport;
- loss of the existing land uses on the Affected Area, in particular the Early Learning Centre; and
- provision of open space.

A more detailed summary of the feedback received is provided in **Appendix 2** and a copy of all submissions (with private information redacted) are available in **Appendix 3**.

It was also clear from the submissions that there was some confusions about the Code Amendment and what it was proposing. These have been addressed in the updated question and answer sheet that is contained in **Appendix 4** and is available on the Future Urban website here: <https://www.futureurban.com.au/engagement>.

#### 6.1.4 Drop-in Sessions

Six people attended the drop-in sessions (in person or by phone) held on the 14 and 15 October 2021. An additional two people had indicated they would attend a session, but did not attend and were not available by phone. While a limited number of participants attended, the sessions that were held generally went for over an hour with a wide variety of matters discussed during each session.

From the perspective of the Designated Entity the sessions were beneficial to the Code Amendment. Not only did they assist the Designated Entity in understanding the concerns of the community, but provided an opportunity for enhancing the community's understanding of the Code Amendment. Including what the Code Amendment proposes, the process for the Code Amendment and clarifying misunderstandings about materials provided in the Code Amendment (such as the massing plans that some participants had taken to be representative of a future development of the Affected Area).

The feedback from these sessions echoed what was received in the written submissions with particular emphasis on:

- building height and dwelling density;
- traffic and carparking congestion;
- relationship between future development and the River Torrens Linear Park, this included understanding how this space is currently used, the proximity of built form and opportunities for enhancing this area through future development;
- visual appearance of future development; and

- environmental impacts.

The Designated Entity also acknowledges feedback received in regard to the notice provided to attend the sessions and the timing of the sessions being on week days, together with general feedback provided in respect of the community consultation. This feedback will be used to inform the Designated Entity's evaluation of the engagement and is noted for future Code Amendments.

### 6.1.5 Public Meeting

The public meeting consisted of a number of presentations from Mr Koutsantonis, Mr Cawdry, the Mayor of the City of West Torrens and employees of the City of West Torrens.

The Designated Entity supports the community meeting and encourages community participation in the Code Amendment process. However, the Designated Entity was concerned that the community meeting spread misinformation rather than providing the community with clear and correct advice about the Code Amendment and the process. For example:

- reference was made to the height being sought in the Code Amendment as eight levels rather than six levels;
- continual reference to the Code Amendment being a development; and
- when valid planning questions were raised by the community, these were often responded to with inaccurate or unclear answers, for example Mr Koutsantonis responding to a question about the timing of a decision on the Code Amendment with a suggestion that the 'deemed consent' process, which is available to development applications, was also available to this Code Amendment.

Given the extent of misunderstanding about the Code Amendment the Designated Entity considers that, not only would it have been appropriate for the representatives of the Designated Entity to provide information at this meeting, it would have been beneficial to the overall process.

It was clear from the one-on-one sessions that the majority of the people had attended the community meeting and that there was a clear misunderstanding about what a Code Amendment is, the process and what happens next. One of the participants indicated that it would have been helpful to have representatives of the Designated Entity present at the community meeting to explain the Code Amendment and process in detail and that this would have provided a more 'balanced view'.

We acknowledge that there is a positive obligation on the Designated Entity to provide the community with information about the Code Amendment. However, it was disappointing that the relevant Ministers and City of West Torrens who organised and ran the community meeting sought to control the narrative at the meeting rather than enabling clear and accurate information about the Code Amendment to be made available to the local community.

Hard copies of the two-page information sheet were made available at the community meeting that included information about the drop-in sessions.

## 6.2 Responses to outcomes from engagement

The Designated Entity has considered the responses received from the community engagement and responded to the key themes of the feedback below. The matters raised have resulted in the Designated Entity undertaking further investigations and amendment to the Code Amendment. These investigations will be detailed in the final Code Engagement Report.

### 6.2.1 Dwelling Density

Over half of the submissions received raised concerns with the building height and dwelling density and anticipated impacts from this such as increased traffic, impact on services and amenity impacts (discussed in greater detail in the sub-headings below). From the submissions there appeared to be a

general concern in relation to an increased population in the area and the ability for the existing services in the area to service an increased population.

The anticipated/maximum increase to the population in the area was investigated in Table 4.2 of the Code Amendment Report. While these investigations placed particular emphasis on how the increased population could support commercial development in the area, the investigations showed that even at the higher end of a medium density development (70 dwellings per hectare) the number of people that were likely to reside on the Affected Area was estimated to be between 700 and 900. As part of these investigations a context study was undertaken and this has been reviewed and updated following consultation. A copy of the updated context study can be found in Appendix 9 of the Code Amendment Report and is discussed in more detail under part 6.2.7 below.

There was nothing that arose through the investigations to suggest that an increase to residents in the area could not be supported by existing infrastructure, services and facilities or place unreasonable strain on these. The relevant traffic and infrastructure investigations and responses from Government agencies (e.g. DIT) and utility providers all indicate that infrastructure and services are either adequate to service redevelopment or could be upgraded as part of any future development. This is discussed further in part 6.2.4 below.

It is also important to note that a redevelopment of the Affected Area from commercial to residential would result in the cessation of anyone visiting the site for the purposes of the commercial land uses. In this regard there would not be an increase on the existing number of people that may be in the area at any given time, but rather anyone attending the area for the commercial purposes of the Affected Area would be replaced by residents. As confirmed by the traffic investigations, this would result in improvements in the area.

What was apparent from the submissions was a general view that there were not enough facilities and services, such as shops and open space, in the area. In this regard the Code Amendment provides opportunities to improve this by incorporating additional services and facilities, such as small-scale shops, offices and consulting, together with public open space, into a future development proposal for the Affected Area. With these outcomes being supported by the proposed Urban Neighbourhood Zone and relevant legislative requirements.

### 6.2.2 Building Height

The Designated Entity acknowledges the concerns about building height and appreciates that the Code Amendment provides a policy basis to support buildings that are taller than what is currently seen in the locality. The Designated Entity can also understand that change to something different to what has previously existed is challenging and concerns about the type of change being proposed, such as to taller buildings and increased density, is often informed by previous examples that are not always considered good planning outcomes.

South Australia and in particular metropolitan Adelaide has, over the past 10-15 years, gone through considerable change in its built environment particularly in respect to residential development. The push to providing greater variety in housing options and affordability has been brought about due to a number of factors including the introduction of an urban growth boundary, reduced availability of land, limited variety in housing choice and housing affordability. Factors that are echoed in the State Planning Policies and the 30 Year Plan.

The opportunities that are provided with sites, such as the Affected Area, to achieve desired planning policy outcomes for the State are significant. Not only are land holdings of this nature uncommon in metropolitan Adelaide, the size of the Affected Area enables a masterplan approach to redevelopment, rather than a piecemeal approach that sees one allotment divided into two and so on.

The Code Amendment would enable the redevelopment of the site at a scale that provides opportunities to:

- review infrastructure requirements for the area and make necessary adjustments/augmentation;

- take a holistic view to traffic management;
- consider the needs of the broader community and provide additional facilities and services as required; and
- provide a variety of accommodation options.

In regard to future redevelopment of the Affected Area, the layout and design would have regard to surrounding built form and would manage the interface to ensure an appropriate transition in future built form to the lower scale existing built form, managed through the application of the interface TNV (building envelope) to the Affected Area. The intention being that any taller buildings will be located centrally on the Affected Area and away from adjoining lower scale development.

The Designated Entity has also reviewed the building height to be applied to the site and has amended the Code Amendment to reduce the total height in metres TNV from 24.5 metres to 18.5 metres.

### 6.2.3 Amenity Impacts

A number of participants indicated concerns for potential amenity impacts relating to overlooking, overshadowing, noise and visual appearance.

In respect to concerns raised about potential for overlooking, overshadowing and noise, these matters are appropriately addressed through policies that will apply to development through the Code Amendment. These policies are set out in Table 4.2 of the Code Amendment Report.

In respect to visual impacts, including concerns about the future built form of four to six storey buildings resulting in an “eyesore”, “concrete jungle” and impacting on the ambience of the River Torrens Linear Park the Designated Entity proposes to apply the Design Overlay to the Affected Area.

The Design Overlay seeks for development to positively contribute to the liveability, durability and sustainability of the built environment through high-quality design. With the Performance Outcome seeking ‘Medium to high rise buildings and state significant development demonstrate high quality design.’

The Design Overlay also results in:

- referral of development for buildings over four levels in height to the Government Architect (ODASA) to provide expert design advice; and
- the State Commission Assessment Panel being the relevant authority for the assessment of development proposed for the Affected Area where it exceeds four levels in height.

From the Designated Entities review of other areas contained within the Urban Neighbourhood Zone, the Design Overlay is not typically applied to these areas. However, the Designated Entity considers the application of this Overlay to be appropriate in this instance as it will:

- provide an additional level of oversight to ensure a quality-built form outcome is achieved for the Affected Area for future redevelopment where buildings over four levels in height are proposed;
- the Affected Area is contained within a suburb that is typically lower density and lower scale and will interface with the River Torrens Linear Park such that careful consideration should go into the design; and
- provides a level of assurance to existing residents in the area that the design will achieve a high-quality outcome with appropriate oversight.

Application of the Design Overlay has been incorporated into the Code Amendment Report in Table 4.2 and Appendix 1.

#### 6.2.4 Infrastructure, Services and Facilities

The Designated Entity acknowledges the concerns raised in the submission regarding the strain on existing infrastructure and services from increased population.

While a change to Code policy that applies to the site may result in future redevelopment that changes the use of the site, the investigations undertaken for the Code Amendment demonstrate that this will not significantly change current conditions in the area, by way of access to services and facilities. In all probability, and supported by various investigations, redevelopment of the Affected Area in the future is likely to improve the current conditions of the area.

The infrastructure investigations carried out for the Code Amendment and contained in Table 4.2 and Appendix 6 of the Code Amendment Report indicated that utilities to the Affected Area are available with some augmentation to existing utilities being likely as part of a future development application for the Affected Area.

These findings were confirmed in the submissions from SA Water, SAPN and Telstra who did not raise any concern with the Code Amendment and indicated that some augmentation (increase to capacity) is likely to be required as part of a future redevelopment. This would be resolved once a development was proposed for the Affected Area with the extent of augmentation being determined by the nature of development.

The Designated Entity acknowledges that augmentation to existing utilities, such as water and power, is likely to be required and will undertake further investigations and augment utilities as required as part of a future development application for the Affected Area.

Submissions that commented on access to existing bus services are acknowledged. At this time there is no plans to change or increase bus services in the area and is outside of the control of the Designated Entity. It is anticipated that future residents would use a mixture of transport options to travel to and from the Affected Area including car, bicycle, walking and public transport. The Designated Entity would support the improvement of public transport options servicing the area.

#### 6.2.5 Consistency with the Desired Outcome of the Urban Neighbourhood Zone

A number of submissions raised concerns about the consistency of the Affected Area with the Desired Outcomes of the Urban Neighbourhood Zone with particular reference to the Affected Area not being adjacent to a primary road corridor and access to activity centres and public transport

Desired Outcome 1 of the Urban Neighbourhood Zone seeks

*A mixed use area that:*

- a) provides a flexible policy framework for the redevelopment of urban areas in close proximity to high frequency public transport corridors or adjacent primary road corridors that have the potential to become activity generators*
- b) provides for the high-quality design and integration of buildings and public realm in mixed use areas with walkable urban form, excellent provision for walking and cycling and active street frontages that encourage social interaction, positively contribute to public safety and vibrancy and promote active movement and public transport use*
- c) provides a concentration of mixed use activity close to community focal points, such as a high frequency fixed transit stop, activity centre or high-quality open space*
- d) provides adaptable and flexible buildings that can accommodate changes in land use and respond to changing economic and social conditions and advances in technology*
- e) transitions to a reduced scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.*

While the Desired Outcome makes references to adjacency to primary road corridors and access to activity centres and public transport, it is the Designated Entities opinion these are not essential for the application of the Zone to an area.

In accordance with Part 1 – Rules of Interpretation in the Code Desired Outcomes ‘*are policies designed to aid the interpretation of performance outcomes by setting a general policy agenda for a zone, subzone, overlay or general development policies module*’ (emphasis added). In this regard the Desired Outcomes do not set a policy basis for rezoning or redevelopment, but rather are to act as an overarching guide to interpretation of performance outcomes to guide development.

While the views expressed in the submissions are acknowledged and the Designated Entity agrees that the Affected Area is not located on a major transport corridor, the Designated Entity is of the opinion that the Affected Area does demonstrate specific characteristics that reflect the Desired Outcome of the Zone, including proximity and accessibility to the Linear Park that provides for walking and cycling and is an area of high-quality open space. It is also considered that future redevelopment of the Affected Area can have regard to the Desired Outcome with a view to improving linkages to the Linear Park, creating active frontages, increasing services in the area and improving and providing public open space consistent with the Desired Outcome of the Zone.

### 6.2.6 Traffic and Carparking

Just under half of the submissions raised concerns in relation to increased traffic congestion and carparking.

Traffic was investigated as part of the Code Amendment. The summary of the traffic investigations can be found in Table 4.2 and Appendix 5 of the Code Amendment Report. The traffic investigations found that traffic in the area would be improved if the Affected Area was redeveloped for medium density land uses.

While concerns regarding potential traffic congestion are noted, it is understood that these concerns have arisen in respect to what already appears to be a concern in the area. In this regard, should the Affected Area be redeveloped traffic conditions in the area should also improve.

Concerns regarding carparking are noted. Carparking rates for development are provided in the Transport, Access and Parking General Development Policies contained in Part 7 of the Code with these policies being applicable for future development proposed on the Affected Area.

The Affected Area is also subject to the Traffic Generating Development Overlay that seeks the safe and efficient operation of urban and major transport routes and provision of safe and efficient access. The Overlay triggers a referral to the Department of Infrastructure and Transport (DIT) for specified development.

One of the submissions identified that the Traffic Generating Development Overlay only applied to part of the Affected Area. While the Designated Entity has no concerns with the Traffic Generating Development Overlay applying to the entirety of the Affected Area, the current application of the Overlay appears to be consistent with the application of the Overlay across metropolitan Adelaide in that it applies to land within a specific proximity to an urban or major transport route. Should the Minister seek for the Traffic Generating Development Overlay to be applied to the entirety of the Affected Area as part of this Code Amendment the Designated Entity has no objection to this.

### 6.2.7 Impacts on River Torrens Linear Park and Tree Removal

A number of submissions raised concerns about the impact of built form on the River Torrens Linear Park and how these would in turn impact existing flora, fauna and the natural environment of this area. Concerns were also raised about removal of significant trees and vegetation from the Linear Park and the Affected Area.

To address these concerns the Designated Entity intends to setback any future buildings from the northern boundary of the Affected Area (being the boundary adjoining the River Torrens Linear Park) to soften the appearance of the built form at this interface and provide opportunities to improve the

Linear Park adjacent the Affected Area. Providing a setback would also enable existing vegetation adjacent to the northern boundary of the Affected Area to be retained.

The Code Amendment has been amended to reflect this with the indicative massing and layout plans contained in Appendix 8 of the Code Amendment Report reflecting the intended setback.

In addition to the proposed setback from the River the Regulated and Significant Tree Overlay will continue to apply to the Affected Area. This Overlay ensures that regulated and significant trees are protected and require a development application to be lodged and assessed where activities that might result in damage or removal of regulated or significant trees are proposed. It is noted that at this time there is no proposal to remove any of the existing vegetation on the Affected Area. Further investigations regarding the Regulated and Significant Tree Overlay are contained in Table 4.2 of the Code Amendment Report.

#### **6.2.8 Affordable Housing Overlay**

A number of submissions raised concerns about the application of the Affordable Housing Overlay to the Affected Area. With some submissions concluding that all residential development on the Affected Area was to be provided as affordable housing.

All future residential uses of the Affected Area are not intended to be provided as affordable housing. If affordable housing is provided it will only be for some of the future dwellings.

The purpose of applying the Affordable Housing Overlay is to enable future development to factor in 15 percent affordable housing into future development.

#### **6.2.9 Hazards to the Adelaide Airport**

One submission raised concerns about the building height causing a hazard to the Adelaide Airport.

The Airport Building Height (Regulated) Overlay will continue to apply to the Affected Area as part of the Code Amendment.

The Airport Building Heights (Regulated) Overlay seeks to manage potential impacts of buildings to maintain operation and safety requirements for airports etc. In the case of the Affected Area any building over 15 metres will require referral to the Adelaide Airport to provide expert assessment and direction on potential impacts on safety and operation of aviation activities. The Adelaide Airport has a power of direction in respect to developments referred to it under the Overlay, meaning that if proposed development will unreasonably impact on aviation activities the Adelaide Airport can direct that the application be refused.

As such, the Designated Entity is of the view that the Code Amendment adequately addresses any concerns arising in respect to operations of the Adelaide Airport.

#### **6.2.10 Loss of Existing Land Uses**

Concerns raised in respect to losing the existing non-residential land uses on the Affected Area, in particular the Early Learning Centre are noted.

While the Designated Entity cannot confirm what will happen with the existing uses should the Affected Area be redeveloped in the future it is aware that there would be opportunities for these uses to relocate elsewhere in the State or could be incorporated into the future redevelopment of the Affected Area (i.e. a child care centre could be incorporated into a future redevelopment of the Affected Area).

It should also be noted that regardless of the outcome for the Code Amendment the existing land uses can continue to operate on the Affected Area until such time as they decide to vacate or the tenancy arrangements end.

### 6.2.11 Provision of Open Space

Submissions have raised concerns about the provision of open space both private and communal, lack of open space in the area and the concern if the Linear Park were the only open space provided to support a future residential development of the Affected Area.

In respect to private and public open space, both the Code and the Act, seek open space to be provided with new residential development.

Specifically, new residential development is required to meet specific standards for private open space, including specifying minimum balcony dimensions and areas where dwellings are provided in an apartment format.

Section 198 of the Act requires open space to be given to the local council or payment made in lieu of this where more than 20 new allotments are proposed. Given the anticipated future size of residential redevelopment of the Affected Area section 198 of the Act will need to be met. Resulting in 12.5% of the site being provided for public open space, payment being made or a mixture of both. With the outcome to be resolved in conjunction with the City of West Torrens.

An indicative layout of the Affected Area showing how public open space could be provided for the Affected Area is contained in Appendix 8 of the Code Amendment Report.

### 6.3 Changes to the Code Amendment

Based on the feedback received, the following changes have been made to the Code Amendment:

- reduction in the maximum building height to be applied to the Affected Area from 24.5 metres to 18.5 metres, including updated massing and overshadowing diagrams;
- application of the Design Overlay to the Affected Area;
- undertaking to setback future buildings from the northern boundary of the Affected Area (being the boundary that adjoins the River Torrens Linear Park) by 12.5 metres. The purpose of which is to:
  - » reduce the visual impact of future built form on the River Torrens and Linear Park;
  - » increase opportunities to improve linkages to the Linear Park and improve the quality of the area adjacent to the Linear Park;
  - » minimise impacts on existing flora and fauna in the Linear Park; and
  - » enable the retention of existing trees located on the Affected Area adjacent the northern boundary.

As a result of the feedback, additional investigations were undertaken. These investigations have resulted in the following changes to the Code Amendment:

- additional context study reviewing existing services in the area and consideration of future services that may be required as part of a redevelopment of the Affected Area contained in Table 4.2 and Appendix 9 of the Code Amendment Report;
- protection of existing trees on the Affected Area contained in Table 4.2 of the Code Amendment Report; and
- provision of open space as part of a future redevelopment contained in Table 4.2 and Appendix 8 of the Code Amendment Report.

These improvements to the Code Amendment have occurred as a direct result of engagement.

The updated Code Amendment Report is available here: <https://www.futureurban.com.au/engagement>.

The final Engagement Report and Code Amendment Report will be available on the PlanSA Portal.

## 7. NEXT STEPS

To ensure the principles of the Community Engagement Charter (the Charter) are met, an evaluation of the engagement process for the Code Amendment is occurring. As part of this evaluation, you are invited to complete a survey via this link: <https://www.surveymonkey.com/r/6KB5HFK>.



*Use your smart phone to scan this code*

This survey will be open until Sunday, 20 February 2022 to enable you to consider the outcomes of the engagement before evaluating the engagement.

A final Engagement Report and Code Amendment Report will be made publicly available on the PlanSA website.

INTERIM ENGAGEMENT REPORT